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FISCAL IMPACT STATEMENT

LS 6296

BILL NUMBER: SB 362

NOTE PREPARED: Dec 9, 2010

BILL AMENDED:

SUBJECT: Reuse of Single-Use Medical Devices.

FIRST AUTHOR: Sen. Becker

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State

Summary of Legislation: This bill provides that a licensed or certified practitioner who reuses a single-use medical device is subject to disciplinary action on the practitioner's license and commits a Class B infraction. The bill also provides that the practitioner commits a Class D felony if the practitioner knowingly or intentionally reuses a single-use medical device that results in serious bodily harm to a human patient.

Effective Date: July 1, 2011.

Explanation of State Expenditures: The bill would apply to the following licensed or certified practitioners: chiropractic, dentistry, health facility administrators, medical, nursing, optometry, pharmacy, podiatric, speech/language pathology and audiology, psychology, physical therapy, occupational therapy, respiratory therapy, physician assistant, athletic trainers, dieticians, and behavioral health and human services practitioners. The bill would provide that a practitioner who reuses a single-use medical device is subject to disciplinary action on the practitioner's license. The cost associated with this provision would depend on the number of incidents reported and any resulting disciplinary hearings or actions taken by the various boards within the Indiana Professional Licensing Agency (IPLA). A practitioner who reuses a single-use medical device also commits a Class B infraction.

The bill also establishes a new Class D felony. The unlawful reuse of a single-use medical device applies to a practitioner who knowingly or intentionally reuses a single-use medical device resulting in serious bodily injury to a human. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost

for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and infraction judgments and court fees are collected, revenue to both the Common School Fund and the state General Fund may increase. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If court actions are filed for an infraction and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. If a criminal case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed for infractions or of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: IPLA and all affected professional licensing boards; DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, DOC.

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